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Atty Docket 33838US1 (4081-03301)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tin-Tack Peter Cheung et al. §  
Serial No.: 09/801,558 § Group Art Unit: 1764  
Filed: March 8, 2001 § Examiner: T. Dang  
For: HYDROCARBON UPGRADING § Confirmation No. 7410  
PROCESS §

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Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence and acknowledgement postcard is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on  
May 15, 2003  
(Date of Deposit)  
Clare Jackson

Sir or Madam:

**PETITION TO WITHDRAW ERRONEOUS NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND REQUEST FOR FILING DATE**

The above-identified divisional application was received by the Patent Office on March 08, 2001 and was initially granted a filing date of March 08, 2001 and assigned Application No. 09/801,558 per a Filing Date Notice dated April 19, 2001 (copy attached as Attachment A). The April 19, 2001 Filing Date Notice was withdrawn by a Withdrawal Notice dated January 22, 2002 (copy attached as Attachment B), and a Notice of Incomplete Nonprovisional Application was issued dated January 22, 2002 (copy attached as Attachment C). The Notice of Incomplete Nonprovisional Application states that the application was incorrectly deposited without drawings. Applicants hereby submit that drawings were not required to receive a filing date for the divisional

application at the time of its deposit, and therefore the Notice of Incomplete Nonprovisional Application was issued in error and should be withdrawn.

Applicants respectfully draw attention to MPEP 601.01(f), which indicates that for an application containing at least one process or method claim, drawings are not necessary for an understanding of the invention under 35 U.S.C. § 113 (first sentence). Copies of the specification and claims of the divisional application as filed are included herewith (Attachment D), and several process claims were present upon filing, for example claims 24-40. Such process claims provide sufficient explanation for an understanding of the invention by laying out the steps of the invention itself. Thus, in accordance with MPEP 601.01(f), drawings are not necessary for an understanding of the invention.

In view of the foregoing, Applicants submit that the Notice of Incomplete Nonprovisional Application was made in error and that the divisional application is entitled to receive a filing date. Accordingly, Applicants request that the Notice of Incomplete Nonprovisional Application be withdrawn and that the above-identified application be accorded a filing date of March 8, 2001.

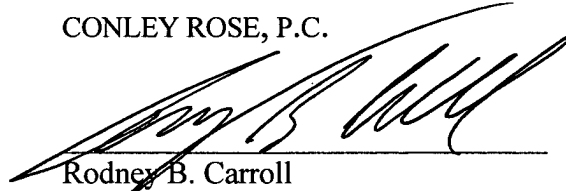
While not expressly required, Applicants further submit that the delay in filing this petition was made inadvertently, unintentionally, and without any deceptive intent. Following the corporate transaction that formed the corporation having rights in the present application (i.e., Chevron Phillips Chemical Company, LP), there was a complete turnover of in-house patent counsel, along with several moves and/or changes of address. Thus, it is believed that the Notice of Incomplete Nonprovisional Application was "lost in the shuffle" during this transitional period. In an effort to identify any problems that may

have arisen as a result of this transitional period, in-house staff recently completed a review of all pending applications, and the Notice of Incomplete Nonprovisional Application was rediscovered during this review. The entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The Commissioner is hereby authorized to charge to any fee associated with this petition to Deposit Account 50-1515. However, Applicants hereby request a refund of the petition fee because the application is entitled to a filing date.

Respectfully submitted,

CONLEY ROSE, P.C.



Rodney B. Carroll  
Reg. No. 39,624

ATTORNEY FOR APPLICANT

Date: 5-15-03

5700 Granite Parkway, Suite 330  
Plano, Texas 75024  
Telephone: (972) 731-2288

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COMMISSIONER FOR PATENTS  
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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/801,558	03/08/2001	Tin-Tack Peter Cheung	

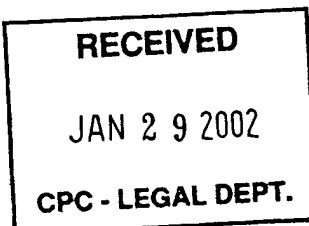
CONFIRMATION NO. 7410

FORMALITIES LETTER



\*OC00000007339972\*

Chevron Phillips Chemical Company LP  
Suite 3447  
1301 McKinney  
Houston, TX 77010



Date Mailed: 01/22/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



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Page 1 of 1  
33838 US  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/801,558		Tin-Tack Peter Cheung	

Chevron Phillips Chemical Company LP  
Suite 3447  
1301 McKinney  
Houston, TX 77010



CONFIRMATION NO. 7410

WITHDRAWAL NOTICE

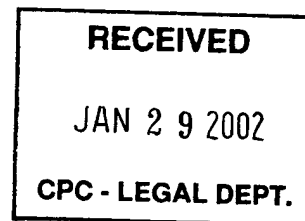


\*OC000000007339954\*

Date Mailed: 01/22/2002

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 04/19/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.



*A copy of this notice **MUST** be returned with the reply.*

N<sup>n</sup>

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

**Title**

Hydrocarbon upgrading process

**Preliminary Class**

585

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**Data entry by : LE, THANH-LAN**

**Team : OIPE**

**Date: 04/19/2001**



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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:





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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/801,558	03/08/2001	1764	710		338 38151	17	1

CONFIRMATION NO. 7410

## FILING RECEIPT



\*OC000000005984116\*

Chevron Phillips Chemical Company LP  
Suite 3447  
1301 McKinney  
Houston, TX 77010

Date Mailed: 04/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Tin-Tack Peter Cheung, Bartlesville, OK;  
Steven A. Owen, Bartlesville, OK;  
Marvin M. Johnson, Bartlesville, OK;  
Mark E. Lashier, Bartlesville, OK;

## Assignment For Published Patent Application

Phillips Petroleum Company, Bartlesville, OK;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/410,516 09/30/1999

## Foreign Applications

If Required, Foreign Filing License Granted 04/12/2001

Projected Publication Date: 07/26/2001

Non-Publication Request: No

Early Publication Request: No

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